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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,001	11/17/2003	Medford Alan Dyer	2023796-7036862001	2259

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EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/715,001	<b>Applicant(s)</b> DYER, MEDFORD ALAN	
	<b>Examiner</b> Sheila B. Smith	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 5/12/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the axis of minimal sensitivity with respect to what?

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Frank et al. (U.S. Patent Number 5,991,646).

**Regarding claim 1**, Frank et al. discloses essentially all the claimed invention as set forth in the instant application, further Frank et al. discloses articulating speaker and microphone for a wireless telephone with cigarette lighter adapter. In addition Frank et al. discloses as best understood by the examiner in view of the 112 rejection a housing (108), a

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speaker (100) coupled to said housing (108); a microphone boom (102) pivotably coupled to said housing (108), said microphone (101) a speakerphone comprising: boom (102) having at least a first position and a second position (which reads on column 4 lines 23-25), wherein said speaker (100) is located along an axis of minimal sensitivity associated with a microphone (101) mounted to said microphone boom (102) when said microphone boom (102) is located in either said first position or said second position (as exhibited in figure 6 and which reads on column 3 lines 18-20).

**Regarding claim 2**, Frank et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Frank et al. discloses a speaker (100) is located along said axis of minimal sensitivity regardless of a position associated with said microphone boom (102) (as exhibited in figure 6).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frank et al. in view of Griffin et al. (U.S. Patent Publication Number 2004/0063456).

**Regarding claim 3**, Frank et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Frank et al. discloses a housing (108), a speaker (100) mounted to said

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housing, a unidirectional microphone (which reads on column 1 lines 32-33); A speakerphone comprising a microphone boom (102) pivotably coupled to said housing (108), said microphone boom (102) capable of being placed at a plurality of positions (see figure 6), said unidirectional microphone (101) mounted at a distal end of said microphone boom (102), wherein said speaker (100) is located along an axis of minimal sensitivity associated with said unidirectional microphone when said microphone boom is located in any of said plurality of positions (which reads on column 2 lines 28-30), and wherein said second signals are output by said speaker after receipt by said wireless networking module (which reads on column 1 lines 30-42). However Frank et al. fail to specifically disclose a wireless networking module adapted to transmit first signals via a short distance wireless network to a peripheral electronic device and to receive second signals via said short distance wireless network from said peripheral electronic device, wherein said first signals are initially received by said unidirectional microphone.

In the same field of endeavor, Griffin et al. discloses a communication device with multiple detachable communication modules. Griffin et al. discloses a wireless networking module (162) adapted to transmit first signals via a short distance wireless network to a peripheral electronic device (102, 112) and to receive second signals via said short distance wireless network from said peripheral electronic device (102, 112), wherein said first signals are initially received by said unidirectional microphone (which reads on paragraph 0056).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Frank et al. by modifying articulating speaker and microphone for a wireless telephone with cigarette lighter adapter with a wireless networking module adapted to transmit first signals via a short distance wireless network to a peripheral

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electronic device and to receive second signals via said short distance wireless network from said peripheral electronic device, wherein said first signals are initially received by said unidirectional microphone for the purpose of enabling hands free operation.

***Regarding claim 4***, Frank et al. discloses everything claimed, as applied above (see claim 2 ) however Frank et al. fails to disclose peripheral electronic device forwards said first signals via a long distance communication network and wherein said second signals are transmitted to said peripheral electronic device via said long distance communication network.

In the same field of endeavor, Griffin et al. discloses a communication device with multiple detachable communication modules. Griffin et al. Discloses peripheral electronic device forwards said first signals via a long distance communication network and wherein said second signals are transmitted to said peripheral electronic device via said long distance communication network (which reads on paragraph 0056).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Frank et al. by modifying articulating speaker and microphone for a wireless telephone with peripheral electronic device forwards said first signals via a long distance communication network and wherein said second signals are transmitted to said peripheral electronic device via said long distance communication network for the purpose of enabling hands free operation

***Regarding claim 5***, Frank et al. in view of Griffin et al. discloses everything claimed, as applied above (see claim 2 ) additionally, Frank et al. discloses a said long distance communication network is a cellular telephone network (which reads on column 3 lines 18-20).

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***Regarding claim 6***, Frank et al. in view of Griffin et al. discloses everything claimed, as applied above (see claim 2 ) additionally, Frank et al. discloses peripheral electronic device is a cellular telephone (which reads on column 3 lines 18-20).

***Regarding claims 7-10*** Frank et al. discloses everything claimed, as applied above (see claim 2 ) however Frank et al. fails to disclose wireless networking module is a Bluetooth enabled networking module and said peripheral electronic device is a Bluetooth enabled cellular telephone.

In the same field of endeavor, Griffin et al. discloses a communication device with multiple detachable communication modules. Griffin et al. discloses wireless networking module is a Bluetooth (which reads on short-range wireless network or link) enabled networking module and said peripheral electronic device is a Bluetooth enabled cellular telephone (which reads on paragraph 0056).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Frank et al. by modifying articulating speaker and microphone for a wireless telephone with wireless networking module is a Bluetooth enabled networking module and said peripheral electronic device is a Bluetooth enabled cellular telephone for the purpose of enabling hands free operation.

***Regarding claims 11-15*** Frank et al. discloses everything claimed, as applied above (see claim 2 ) however Frank et al. fails to disclose display means is capable of displaying at least one

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of battery level, signal level, volume level, call status, speakerphone status, pairing status, caller identification, time, elapsed time, date, phone history, phone lists, and calendar.

In the same field of endeavor, Griffin et al. discloses a communication device with multiple detachable communication modules. Griffin et al. discloses a displaying at least one of battery level, signal level, volume level, call status, speakerphone status, pairing status, caller identification, time, elapsed time, date, phone history, phone lists, and calendar (which reads on paragraph 0054).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Frank et al. by modifying articulating speaker and microphone for a wireless telephone with display means is capable of displaying at least one of battery level, signal level, volume level, call status, speakerphone status, pairing status, caller identification, time, elapsed time, date, phone history, phone lists, and calendar for the purpose of enabling hands free operation.

***Regarding claim 16*** Frank et al. discloses everything claimed, as applied above (see claim 2 ) however Frank et al. fails to disclose a sound processor

In the same field of endeavor, Griffin et al. discloses a communication device with multiple detachable communication modules. Griffin et al. discloses a sound processor (which reads on paragraph 0054).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Frank et al. by modifying articulating speaker and microphone for a wireless telephone with a sound processor for the purpose of enabling hands free operation.



***Regarding claims 17-21***, Frank et al. discloses everything claimed, as applied above (see claim 2 ) however Frank et al. fails to disclose a portable power source.

In the same field of endeavors, Griffin et al. discloses a communication device with multiple detachable communication modules. Griffin et al. discloses a portable power source (which reads on paragraph 0054).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Frank et al. by modifying articulating speaker and microphone for a wireless telephone with a portable power source for the purpose of enabling hands free operation.

***Regarding claim 22***, Frank et al. discloses everything claimed, as applied above (see claim 1 ) additionally, Frank et al. discloses a housing (108), a speaker (100) mounted to said housing, a unidirectional microphone (which reads on column 1 lines 32-33); A speakerphone comprising a microphone boom (102) pivotably coupled to said housing (108), said microphone boom (102) capable of being placed at a plurality of positions (see figure 6), said unidirectional microphone (101) mounted at a distal end of said microphone boom (102), wherein said speaker (100) is located along an axis of minimal sensitivity associated with said unidirectional microphone when said microphone boom is located in any of said plurality of positions (which reads on column 2 lines 28-30), and wherein said second signals are output by said speaker after receipt by said wireless networking module (which reads on column 1 lines 30-42). However Frank et al. fail to specifically discloses and a Bluetooth enabled network module adapted to

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transmit first signals to a Bluetooth enabled cellular telephone and to receive second signals from said Bluetooth enabled cellular telephone.

In the same field of endeavor, Griffin et al. discloses a communication device with multiple detachable communication modules. Griffin et al. discloses a Bluetooth enabled network module adapted to transmit first signals to a Bluetooth enabled cellular telephone and to receive second signals from said Bluetooth enabled cellular telephone (which reads on paragraph 0056).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Frank et al. by modifying articulating speaker and microphone for a wireless telephone with a Bluetooth enabled network module adapted to transmit first signals to a Bluetooth enabled cellular telephone and to receive second signals from said Bluetooth enabled cellular telephone for the purpose of enabling hands free operation.

### ***Response to Arguments***

3. Applicant's arguments filed 2/16/06 have been fully considered but they are not persuasive.

Applicants arguments regarding that “even if Frank inherently suggest an axis running through the microphone and the speaker this does not automatically result in the speaker being located along an axis of minimal sensitivity”, the examiner contends that the reverse could be true as well, an axis running through the microphone and the speaker could result in the speaker being located along an axis of minimal sensitivity since it is not disclosed or explained in the

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specification. The examiner further contends that the "axis of minimal sensitivity" does not impart any structure to the claims to distinguish the claimed invention from the prior art.

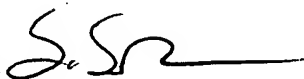
***Conclusion***

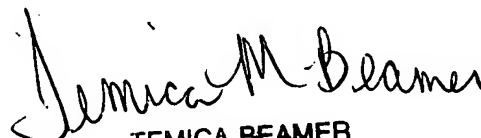
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Smith  
June 20, 2006



  
TEMICA BEAMER  
PRIMARY EXAMINER